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PTO/SB/21 (09-04)

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TRANSMITTAL  
FORM

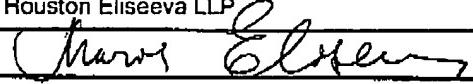
(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

|                        |                         |
|------------------------|-------------------------|
| Application Number     | 10/538,522              |
| Filing Date            | June 10, 2005           |
| First Named Inventor   | Michael Ganser          |
| Art Unit               | Not Yet Assigned        |
| Examiner Name          | Not Yet Assigned        |
| Attorney Docket Number | 21295.0106US1 (E0664US) |

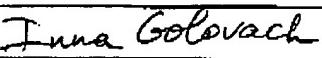
| ENCLOSURES (Check all that apply)  |   |  |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)  |   | Remarks  |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |   |          |        |
|--------------|---|----------|--------|
| Firm Name    | Houston Eliseeva LLP  |          |        |
| Signature    |  |          |        |
| Printed name | Maria Eliseeva  |          |        |
| Date         | September 9, 2005   | Reg. No. | 43,328 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |   |      |                   |
|-----------------------|---|------|-------------------|
| Signature             |  |      |                   |
| Typed or printed name | Inna Golovach   | Date | September 9, 2005 |

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                            |                                |                  |                  |
|----------------------------|--------------------------------|------------------|------------------|
| In Re:                     | Michael Ganser et al.          | Confirmation No: | Not Yet Assigned |
| Serial No:                 | 10/538,522                     | Group:           | Not Yet Assigned |
| Filed:                     | June 10, 2005                  | Examiner:        | Not Yet Assigned |
| For:                       | Reflected-light Microscope     |                  |                  |
| Customer No.:              | 29127                          |                  |                  |
| <b>Attorney Docket No.</b> | <b>21295.0106US1 (E0664US)</b> |                  |                  |

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- under 37 CFR 1.129(a), or  
 (First/Second submission after Final Rejection)
- under 37 CFR 1.97(b), or  
 (Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- under 37 CFR 1.97(c) together with either:  
 a Statement under 37 CFR 1.97(e), as checked below, or  
 a \$180.00 fee under 37 CFR 1.17(p), or  
 (After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with:  
 a Statement under 37 CFR 1.97(e), as checked below, and  
 a \$180.00 fee under 37 CFR 1.17(p), or  
 (Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- under 37 CFR 1.97(i):  
 Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
 (Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

Attorney Docket No: 21295.0106US1 (E0664US)

- Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

- Copies of the cited references are enclosed except US patent references.
- References cited were entered in prior application, U.S. Application No. [REDACTED], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- The "concise explanation" requirement (non-English references) for reference(s) [REDACTED] under 37 CFR 1.98(a)(3) is satisfied by:
  - the explanation provided on the attached sheet.
  - the explanation provided in the Specification.
  - submission of the enclosed International Search Report.
  - submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
  - the enclosed English language abstract.

<sup>Examiner's Initials</sup> Applicant requests that the following non-published pending applications be considered:

- \_\_\_\_ U.S. Patent Application No. [REDACTED], by [inventor(s)], filed [REDACTED], Docket No.: [REDACTED]
- \_\_\_\_ U.S. Patent Application No. [REDACTED], by [inventor(s)], filed [REDACTED], Docket No.: [REDACTED]
- \_\_\_\_ U.S. Patent Application No. [REDACTED], by [inventor(s)], filed [REDACTED], Docket No.: [REDACTED]

Attorney Docket No: 21295.0106US1 (E0664US)

## Examiner

## Date

- [ ] A copy of each above-cited application, including the current claims, is enclosed.
- [ ] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

## Method of payment:

- [ ] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- [ ] Please charge Deposit Account 502 233 in the amount of \$[ ]. A copy of this Statement is enclosed.
- [ ] Please charge any deficiency in fees and credit any overpayment to Deposit Account 502 233.
- [X] No fee is required.

Respectfully submitted,

Houston Eliseeva LLP

By Maria Eliseeva  
Maria Eliseeva  
Registration No. 43,328  
Houston Eliseeva LLP  
4 Militia Drive, Ste. 4  
Lexington, MA 02421  
Telephone: 781-863-9991  
Facsimile: 781-863-9931

Dated: September 9, 2005

PTO/SB/08A (07-05)

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| Substitute for form 1449/PTO   |   | <b>Complete if Known</b> |                         |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |   | Application Number       | 10/538,522              |
|  |   | Filing Date              | June 10, 2005           |
|  |   | First Named Inventor     | Michael Ganser          |
|  |   | Art Unit                 | Not Yet Assigned        |
|  |   | Examiner Name            | Not Yet Assigned        |
|  |   | Attorney Docket Number   | 21295.0106US1 (E0664US) |
| Sheet  | 1 | of                       | 1                       |

| FOREIGN PATENT DOCUMENTS |           |   |                  |   |   |
|--------------------------|-----------|---|------------------|---|---|
| Examiner Initials*       | Cite No.* | Foreign Patent Document   | Publication Date | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear |
|                          |           | Country Code <sup>3</sup> -Number <sup>4</sup> "Kind Code <sup>5</sup> " (if known) | MM-DD-YYYY       |   | T <sup>6</sup>  |
|                          |           | DE 35 38 774 A  | 5-7-1987         | Reichert Optische Werke                         | 2   |
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|                          |           |   |                  |   |   |
|                          |           |   |                  |   |   |

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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